

(A) If a firearm was discharged, increase by **7** levels; (B) if a firearm was otherwise used, increase by **6** levels; (C) if a firearm was brandished or possessed, increase by **5** levels; (D) if a dangerous weapon was otherwise used, increase by **4** levels; (E) if a dangerous weapon was brandished or possessed, increase by **3** levels; or (F) if a threat of death was made, increase by **2** levels.

U.S.S.G. § 2B3.1(b)(2) (Nov. 1, 2018). Thus, it appears that the plea agreement contains typographical errors in discussing the § 2B3.1(b)(2) enhancement for Counts Two and Three, by referencing § 2B3.1(b)(2)(E) instead of § 2B3.1(b)(2)(C).

To avoid any confusion as to the range stipulated by the parties, as well as the basis for calculating that range, the parties should be prepared to address at the guilty plea proceeding whether the plea agreement provided to the Court contains errors in discussing the § 2B3.1(b)(2) enhancement for Counts Two and Three, as well as whether the parties stipulate that a five-level enhancement under § 2B3.1(b)(2)(C) for brandishing or possessing a firearm is appropriate for those Counts. Alternatively, in advance of the guilty plea proceeding, the parties may provide the Court with a revised plea agreement, signed by Defendant, his attorney, and the Government.

SO ORDERED.

Dated: December 17, 2020
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", is written over a horizontal line.

JOHN P. CRONAN
United States District Judge